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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Luther Jackson

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28581

7590

10/19/2006

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EXAMINER

MEINECKE DIAZ, SUSANNA M

ART UNIT

PAPER NUMBER

3623

DATE MAILED: 10/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>		<b>Applicant(s)</b>	
	09/824,430		JACKSON ET AL.	
	<b>Examiner</b>		<b>Art Unit</b>	
	Susanna M. Diaz		3623	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

### Period for Reply

**A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.**

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 27 July 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 5-7 and 9-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 5-7 and 9-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

### **DETAILED ACTION**

1. This final Office action is responsive to Applicant's amendment filed July 27, 2006.

Claims 5, 14, and 15 have been amended.

Claim 8 has been cancelled.

Claims 5-7 and 9-15 are presented for examination.

### ***Response to Amendment***

2. The previously pending claim objection and rejections under 35 U.S.C. § 101 and 112 are withdrawn in response to Applicant's claim amendments.

### ***Response to Arguments***

3. Applicant's arguments filed July 27, 2006 have been fully considered but they are not persuasive.

Applicant argues, "There is no suggestion in the 'Background of the Invention' that the technical manuals are the same as the 'change document,' and no basis appears for treating them as being the same." The Examiner respectfully disagrees. The specification provides no special definition of a "change document" nor do the claims expressly clarify the intended metes and bounds of a "change document." As per page 1, lines 9-12 and page 4, lines 12-26 of the specification ("Background of the Invention" section), an update or an upgrade to equipment, such as a ship, requires that corresponding updates be made to the relevant technical manuals. "Documentation

Art Unit: 3623

must be provided for the handling of the technical manuals...” Either the updated technical manuals or the documentation provided for the handling of the technical manuals may be interpreted as generated change documents, thereby addressing the scope of the claimed “change document.”

In conclusion, Applicant’s arguments are not persuasive and the art rejection is maintained.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 5-7 and 9-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant’s admitted prior art (as disclosed in the “Background of the Invention” on pages 1-5 of the specification).

Applicant’s admitted prior art discloses a method for determining an integrated logistic support (ILS) date at which a particular ship upgrade can proceed, said method comprising the steps of:

[Claim 5] generating a change document in response to a perceived problem associated with a particular type of equipment, for correcting the perceived problem (Page 1, lines 9-12; Page 4, lines 12-26 -- An update or an upgrade to equipment, such as a ship, requires that corresponding updates be made to the relevant technical

Art Unit: 3623

manuals. "Documentation must be provided for the handling of the technical manuals..." Either the updated technical manuals or the documentation provided for the handling of the technical manuals may be interpreted as generated change documents);

associating said change document with those ships having said particular type of equipment (Page 4, line 23 through Page 5, line 4 -- The Background of the Invention acknowledges that, while this is a difficult task, it needs to be, i.e., has been already been, performed);

associating the particular ship upgrade with the change document for that particular ship upgrade (Page 4, lines 12-15);

determining arrival dates of all elements associated with the particular upgrade associated with the change document (Page 3, lines 9-19);

[Claim 6] obtaining a promised delivery date for delivering an upgrade parts kit (Page 3, lines 9-19);

[Claim 9] wherein said step of generating a change document includes the step of generating a change document identifying the system which is impacted (Page 4, lines 12-15 -- The specific equipment being upgraded serves as a system or part of one);

[Claim 10] wherein said step of associating said change document with those ships having said particular type of equipment includes the step of determining whether a particular class of ship is affected (Page 4, lines 1-15 -- There has to be a basic understanding of the characteristics of maintained ships, which broadly define "classes")

Art Unit: 3623

of ships, in order to know how to upgrade a particular ship, which spare parts are needed, etc.);

[Claim 12] wherein said step of determining arrival dates of all elements associated with the particular upgrade associated with the change document includes the steps of:

determining *at least one of* if (a) a Tailored Repairable Items List is required, (b) training is required to implement the alteration of the ship, (c) an Allowance Parts List is required, (d) technical manuals are required, (e) Preventive Maintenance Schedule and Maintenance Requirement Cards are required, (f) a shipyard Installation and Checkout Spares List is required, (g) an Alteration Installation and Checkout Spares List is required, (h) a Coordinated Shore Base Material Allowance List is required, (i) Support and Test Equipment is required, (j) Maintenance Assist Modules are required, (k) On-Board Allowance is required, and (l) alteration instructions are required (Page 4, lines 1-15 – It is determined which technical manuals need to be changed in response to equipment upgrades, thereby addressing at least (d) and (l));

[Claim 13] wherein said step of determining arrival dates of all elements associated with the particular upgrade associated with the change document includes the steps of:

determining whether alteration parts kits are required (Page 3, lines 9-19); and  
if alteration parts kits are required, determining the promised delivery date for those not yet arrived (Page 3, lines 9-19).

Regarding claims 5 and 6, while Applicant's admitted prior art does not expressly state that the ILS date for a selected ship upgrade is set as the promised date (i.e.,

Art Unit: 3623

arrival date) which is most remote in time and generating an output indicating whether work can begin on the particular ship on the specified ILS date, Applicant's admitted prior art does essentially state that an upgrade cannot be officially completed until all upgrade requirements are met (i.e., all parts required for upgrade are received, all technical manuals are updated, etc.):

... At some point in the accumulation process, lifetime support and depot operations collaborate on the status of critical logistical elements, which indicate what particular components of the necessary alteration kit or kits have been delivered, but as to undelivered materials, has only a manufacturer's promised delivery date upon which to rely. The scheduling of the upgrade is, of course, based upon the promised delivery dates. If these dates are not met, the materials cannot be shipped to the upgrade site so as to arrive in time for the scheduled starting date. the materials do not arrive on the manufacturer's promised date, then, the upgrade cannot begin, and the upgrade site, as for example a dry-dock, has a ship sitting therein on which work cannot be started, at least as to the missing alteration kits. Such late-arriving alteration kits can be stored until a later scheduled upgrade time, possibly years in the future, but cannot be installed during this particular scheduled upgrade interval...

Each ship upgrade requires upgrading of the technical manuals associated with the upgraded equipment so that the upgraded equipment may be properly maintained. If the technical manual is classified, it must be treated differently than spare parts. Documentation must be provided for the handling of the technical manuals, and their arrival in time for the upgrade must be considered. (Page 3, lines 9-32; Page 4, lines 12-20)

Since Applicant's admitted prior art acknowledges that an upgrade cannot be officially completed until all upgrade requirements are met (i.e., all parts required for upgrade arrive, all technical manuals are updated, etc.) and that scheduling is typically

Art Unit: 3623

based on the promised delivery dates of materials required to perform the upgrade, the Examiner submits that it would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to perform with the prior art method of selecting a ship upgrade, selecting that one of said promised dates which is most remote in time and deemed said one of said promised dates (i.e., arrival dates) to be said ILS date (which inherently includes comparing the ILS date with the selected date) and generating an output indicating whether work can begin on the particular ship on the specified ILS date in order to help ensure that the ILS date is reasonably set at a time when all upgrade requirements will have been met (i.e., all parts required for upgrade will have arrived, all technical manuals will have been updated, etc.) and notify all involved parties accordingly. Similarly (regarding claims 6 and 15), the Examiner submits that it would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to compare the promised delivery date with the selected date in order to further ensure that all upgrade parts will be delivered on time.

(Please note that the Examiner understands that Applicant's intended invention is meant to address an improved method for determining "the status of accumulation of the necessary equipments for an upgrade of a major asset" (page 5, lines 10-13 of the specification); however, the details of such an improved method have not been clearly expressed in the claimed invention.)

[Claim 7] Applicant's admitted prior art does not expressly teach who performs the step of generating a change document; however, Official Notice is taken that it is old



Art Unit: 3623

and well-known in the art of product document management to allow changes to the document to be made by engineering personnel. Since engineering personnel are often the most knowledgeable regarding the technical changes to a product that would affect related manuals, allowing the engineering personnel to directly make these changes would more efficiently yield more accurate manual updates when changes are made to a product. Therefore, the Examiner submits that it would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to adapt Applicant's admitted prior art such that the step of generating a change document is performed by engineering personnel since engineering personnel are often the most knowledgeable regarding the technical changes to a product that would affect related manuals. By allowing the engineering personnel to directly make the type of document changes disclosed by Applicant's admitted prior art, such a process would more efficiently yield more accurate manual updates when changes are made to a product.

[Claim 11] While Applicant's admitted prior art teaches the step of associating the particular ship upgrade with the change document for that particular ship upgrade (Page 4, lines 1-15), it does not expressly teach that said step of associating includes the step of assignment of an alteration number representing a particular alteration of a particular ship. However, Official Notice is taken that it is old and well-known in the art of product upgrades and corresponding manual updates to assign an alteration number representing a particular alteration of the product. For example, different version numbers may be assigned to a product and its corresponding manual as the product goes through various releases incorporating upgrades. Use of such alteration numbers

Art Unit: 3623

provides more clear documentation of the features possessed by each version of a product. Therefore, the Examiner submits that it would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to adapt Applicant's admitted prior art such that the step of associating the particular ship upgrade with the change document for that particular ship upgrade includes the step of assigning an alteration number representing a particular alteration of a particular ship in order to provide more clear documentation of the features possessed by each version of a product, which is often helpful in managing product and company profiles.

[Claims 14-15] Claims 14-15 recite limitations already addressed by the rejection of claims 5 and 6 above; therefore, the same rejection applies.

### ***Conclusion***

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

Art Unit: 3623

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Susanna M. Diaz whose telephone number is (571) 272-6733. The examiner can normally be reached on Monday-Friday, 8 am - 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on (571) 272-6729. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Susanna M. Diaz  
Primary Examiner  
Art Unit 3623

October 16, 2006